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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/754,753      | 01/04/2001  | M. Scott Reichardt   | UV-178              | 3787             |

1473 7590 01/16/2004  
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NEW YORK, NY 10020-1105

EXAMINER

VU, THANH T

| ART UNIT | PAPER NUMBER |
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2174

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/754,753

Applicant(s)

REICHARDT, M. SCOTT

Examiner

Thanh T. Vu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Objections*

Claims are objected to because of the following informalities:

Claim 1, 34 the phrase “a electronic program” should be --an electronic program--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein et al.

(“Schein”, U.S. Pat. No. 6,388,714).

Per claim 1, Schein teaches a method of presenting an electronic program guide, comprising:

receiving program guide data (fig. 12A; program guide data 702); and

presenting the program guide data as program listings for a plurality of television programs such that at least one of the program listings include a graphical element for a corresponding one of the plurality of television programs (figs. 12A and 13B; television

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program: 708; a graphical element: element 706, highlighting of user location 710, element 726, element 728, element 712, element 716 or element 724 ; col. 17, lines 40-59).

Per claim 2, Schein teaches the method of claim 1, wherein the graphical element is a logo for the corresponding one of the plurality of television programs (fig. 12A; logo: element 706).

Per claim 3, Schein teaches the method of claim 1, wherein the graphical element is a Celebrity image (fig. 12A; Celebrity image: image 726).

Per claim 4, Schein teaches the method of claim 1, wherein the graphical element is an affiliation indicator (fig. 12A; affiliation indicator: information area 706, element 726, or element 728).

Per claim 5, Schein teaches the method of claim 4, wherein the affiliation indicator identifies a network affiliate (fig. 12A; affiliation indicator: information area 706 such as HBO, FOX or ABC).

Per claim 6, Schein teaches the method of claim 4, wherein the affiliation indicator identifies a sports team affiliate (fig. 13B; element 730).

Per claim 7, Schein teaches the method of claim 4, wherein the affiliation indicator identifies a corporate affiliate (col. 18, lines 28-40).

Per claim 8, Schein teaches the method of claim 4, wherein the affiliation indicator identifies an event affiliate (col. 18, lines 12-18).

Per claim 9, Schein teaches the method of claim 4, wherein the affiliation indicator identifies a guide affiliate (figs. 15B, 15C; 16B, 16C; guide affiliate: COX).

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Per claim 10, Schein teaches the method of claim 4, wherein the affiliation indicator identifies a sponsor (fig. 17C; col. 18, lines 13-40).

Per claim 11, Schein teaches the method further comprising presenting text information in at least one of the program listings (fig. 12A).

Per claim 12, Schein teaches the method of claim 1, further comprising presenting an informational icon in at least one of the program listings (fig. 12A; icon: 708, 706).

Per claim 13, Schein teaches the method of claim 1, further comprising presenting an information tray with the program listings (figs. 12A, 17C; information tray: 712, 716, 726, or 728).

Per claim 14, Schein teaches the method of claim 13, further comprising presenting a legend in the information tray (figs. 12A, 17C; col. 18, lines 12-18 and lines 28-40).

Per claim 15, Schein teaches the method of claim 13, further comprising presenting weather information in the information tray (figs. 12A, and 16A-16C; col. 18, lines 12-18; col. 19, lines 57-67).

Per claim 16, Schein teaches the method of claim 13, further comprising presenting news information in the information tray (figs. 12A, and 16A-16C; col. 18, lines 12-18; col. 19, lines 57-67).

Per claim 17, Schein teaches the method of claim 13, further comprising presenting an advertising element in the information tray (figs. 12A, 17C; col. 18, lines 12-18, lines 28-40).

Per claim 18, Schein teaches the method of claim 1, further comprising presenting the program listings as buttons (fig. 12A; col. 17, lines 34-40 and lines 50-59).

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Per claim 19, Schein teaches the method of claim 1, further comprising displaying a guide provider logo and presenting channel indicators which are similar in style to the guide provider logo (figs. 15B-15C, figs. 16B-16C; guide provider logo: COX; channel indicator logo: HBO).

Per claim 20, Schein teaches the method of claim 1, further comprising displaying an advertisement within the program listings (fig. 12A, 17A; col. 18, lines 12-40).

Per claim 21, Schein teaches the method of claim 20, wherein the advertisement includes a logo for a television program (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 22, Schein teaches the method of claim 20, wherein the advertisement includes a celebrity image (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 23, Schein teaches the method of claim 20, wherein the advertisement includes an affiliation indicator (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 24, Schein teaches the method of claim 1, further comprising displaying a promotion within the program listings (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 25, Schein teaches the method of claim 24, wherein the promotion includes a logo for a television program (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 26, Schein teaches the method of claim 24, wherein the promotion includes a celebrity image (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 27, Schein teaches the method of claim 24, wherein the promotion includes an affiliation indicator (fig. 12A, 17A-17C; col. 18, lines 12-40).

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Per claim 28, Schein teaches the method of claim 1, wherein the electronic program guide is a passive television program guide (fig. 12A; col. 18, lines 22-25; the examiner interprets passive television program guide is that the scrolling of message 724 is passive.

Per claim 29, Schein teaches the method of claim 1, wherein the electronic program guide is an interactive television program guide (col. 4, lines 11-15, lines col. 17, lines 14-25).

Per claim 30, Schein teaches the method of claim 1, wherein the electronic program guide is an online television program guide (col. 3, lines 54-67).

Per claim 31, Schein teaches the method of claim 1, wherein the program listings are organized in a grid (col. 5, lines 50-65).

Per claim 32, the method of claim 1, wherein the program listings are organized in a list (figs. 12A and 12B).

Per claim 33, the method of claim 1, wherein the program listings are selectable (figs. 12A and 12B; col. 17, lines 36-40).

Claims 34-66 are rejected under the same rationale as claims 1-33 respectively.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kamen et al. (U.S. Pat. No. 6,421,067) discloses an electronic program guide.

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Terasawa et al. (U.S. Pat. No. 6,147,714) discloses control apparatus and control method for displaying electronic program guide.

Oosterhout et al. (U.S. Pat. No. 6,405,371) discloses navigating through television programs.

Stautner et al. (U.S. Pat. No. 6,172,677) discloses an integrated content guide for multiple sources is provided with hyper-text type links to allow for the selection of various programs.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

T. Vu  
01/08/04

*Kristine Kincaid*  
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